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Attorneys for Defendants  
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MELISSA WHIPPO NETA, individually and on  
behalf of a class of similarly-situated persons,

Plaintiff,

v.

CELLCO PARTNERSHIP d/b/a VERIZON  
WIRELESS, a foreign partnership, and DOES 1-  
50,

Defendants.

Case No. 09 CV 6102 JCS

**JOINT STIPULATION AND  
[PROPOSED] ORDER**

**JOINT STIPULATION AND [PROPOSED] ORDER**

WHEREAS the Complaint in the above-captioned action was filed on December 31,  
2009;

WHEREAS the above-captioned action is one of numerous similar putative class actions  
(the “Actions”) pending in various different judicial districts throughout the country against

1 defendant Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless”) regarding charges for  
2 data usage by Verizon Wireless subscribers;

3 WHEREAS on December 17, 2009, plaintiff’s counsel in one of the Actions filed with the  
4 Judicial Panel on Multidistrict Litigation (“the Panel”) a motion to transfer the related Actions  
5 pending at that time to the United States District Court for the District of New Jersey, pursuant to  
6 28 U.S.C. §1407 (“the MDL Motion”);

7 WHEREAS several substantially similar actions - including the above-captioned Action -  
8 were filed in federal court after the MDL Motion was filed;

9 WHEREAS the above-captioned action is a potential tag-along action to the prospective  
10 MDL;

11 WHEREAS the MDL Motion remains pending before the Panel;

12 WHEREAS Verizon Wireless and plaintiffs in this Action agree that transfer and  
13 centralization of the Actions is appropriate;

14 WHEREAS a stay of the above-captioned action is warranted in order to avoid duplicative  
15 and overlapping litigation, waste of judicial resources, and potentially conflicting rulings in the  
16 Actions;

17 WHEREAS this Court has the power to grant a stay, and a stay would promote judicial  
18 economy and avoid prejudice to the parties;

19 WHEREAS this action has just commenced and there has been no activity in the case;

20 WHEREAS absent a stay, the Court and the parties face imminent litigation deadlines and  
21 whereas such duplicative proceedings prior to the MDL determination would likely result in the  
22 duplication of effort by the parties, a waste of judicial resources, and the risk of conflicting  
23 rulings; and

24 WHEREAS the parties have met and conferred and agree that this action should be stayed  
25 pending a decision by the Panel regarding the MDL Motion.

26 NOW, THEREFORE, the parties hereby stipulate and request that the Court enter an order  
27 that: 1) this action is stayed pending a decision by the Panel; 2) all deadlines are VACATED; and  
28 3) the parties shall notify the Court of the Panel’s decision within 10 days of the decision.

1  
2 Dated: February 5, 2010

NEWMAN & NEWMAN, ATTORNEYS AT LAW,  
LLP

3  
4 By: /s/ John Du Wors

5 John Du Wors  
6 Derek A. Newman  
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*Attorneys for Plaintiff*

11 Dated: February 5, 2010

MORRISON & FOERSTER LLP

12 By: /s/ Tiffany Cheung

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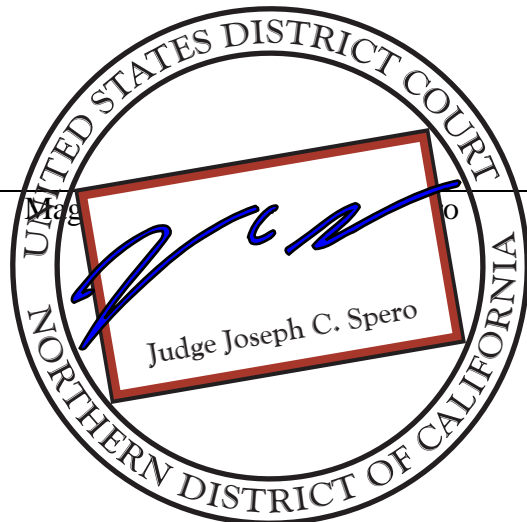
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*Attorneys for Defendant Cellco Partnership d/b/a  
Verizon Wireless*

24 **IT IS SO ORDERED.**

25 DATED: 02/8/10

26 By: \_\_\_\_\_



GENERAL ORDER 45 ATTESTATION

I, Tiffany Cheung, am the ECF user whose ID and password are being used to file this Stipulation and [Proposed] Order. In compliance with General Order 45, I hereby attest that John DuWors of Newman & Newman, Attorneys at Law, LLP, has concurred in this filing.

MORRISON & FOERSTER LLP

By: /s/ Tiffany Cheung  
Tiffany Cheung

Attorneys for Defendant  
CELLCO PARTNERSHIP d/b/a  
VERIZON WIRELESS